IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22121 of 2004

Between:

Smt. B. Eshwaramma, W/o. B. Rama Swamy,
Gram Panchayat : Udumpur, Mandal: Kaddam, Adilabad District.

..... PETITIONER

AND

1 The Collector (Panchayat Wing), Adilabad.
2 The District Panchayat Officer, Adilabad.
3 The Divisional Panchayat Officer, Nirmal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Certiorari to call for the records in Proceedings No.865/K4.Pts/03 dt. 10-11-2004 on the file Collector (Panchayat Wing), Adilabad District and declare the action of the Respondent No.1 in suspending the petitioner herein from the post of Sarpanch, Gram Panchayat, Udumpur Village, by exercising powers under Sec.249(6) of A.P. Panchayat RAj Act, 1994 as arbitrary, illegal without jurisdiction and violative of principles of natural justice and contrary to the procedure under the provision 249 of A.P. Panchayat Raj Act, 1994 and consequently set aside the same.

Counsel for the Petitioner:MR.VINOD KUMAR DESHPANDE

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the first respondent in suspending the petitioner from the post of Sarpanch under section 249 (6) of A.P.Panchayat Raj Act, 1994.

The brief facts of the case are that on a complaint of misuse of funds, the petitioner was issued with a show cause notice dated
21-7-2004 for which the petitioner has submitted his explanation dated
29-8-2004 denying the charge of misuse of funds. There after another notice dated 24-9-2004 was issued to the petitioner to submit the records within 3 days from the date of receipt of the said notice. Thereafter by order dated 10-11-2004, the petitioner was placed under suspension under section 249 (6) of the Act and directed to handover the complete charge to the Upasarpanch. Questioning the said order, the present writ petition is filed.

Heard learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the stage of admission.

Though, several contentions were raised by learned Counsel for petitioner, learned Government Pleader for Panchayat Raj, submitted that as against the impugned order, an alternative remedy of revision is available under the Act, and without availing such remedy, the petitioner has rushed to this Court by filing the present writ petition. It is further stated that the petitioner may be directed to avail the remedy of revision provided under the Act.

Since, an alternative remedy of revision is provided against the impugned order,

without going into the merits of the matter, I deem it appropriate to dispose of the writ petition, permitting the petitioner to file a revision against the impugned order, within a period of six weeks from today. Till such time, there shall be stay of operation of the impugned order dated 10-11-2004. No costs.

_____ N.V.RAMANA,J

1ST Dec, 2004.

tvk

To

1 The Collector (Panchayat Wing), Adilabad.
2 The District Panchayat Officer, Adilabad.
3 The Divisional Panchayat Officer, Nirmal, Adilabad District.

4.2CCs to G.P.for Panchayat Raj And Rural Development

5.2CD copies

*Form-NIC-OGS/WP{**SPJS**}*

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THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 22121 of 2004

Date: 1-12-2004